



2.1 Stakeholder and Tribal Involvement

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Many entities have a role in DOE's missions of environmental restoration, waste management and protection of the Columbia River at the Hanford Site. Stakeholders include federal, state, and local regulatory agencies; environmental groups; regional communities and governments; and the public.

Indian tribes and Nations also have a special and unique involvement with the Hanford Site. The following sections describe the roles of the principal agencies, organizations, and public at the Hanford Site.

2.1.1 Regulatory Oversight

Several federal, state, and local regulatory agencies are responsible for monitoring and enforcing compliance with applicable environmental regulations at the Hanford Site. The major agencies include the U.S. Environmental Protection Agency (EPA), Washington State Department of Ecology, Washington State Department of Health, and Benton Clean Air Authority. These agencies issue permits, issue legal orders, determine compliance schedules, negotiate compliance agreements, review budgets and workscope, review environmental reports and documentation, participate in joint monitoring programs, inspect facilities and operations, and/or oversee compliance with applicable regulations. DOE, through compliance audits and directives, initiates and assesses actions for compliance with environmental requirements. These include air requirements, water requirements, soil requirements, land use, cultural resources, ecological resources, historic resources, and waste management.

EPA is the primary federal regulatory agency that develops, promulgates, and enforces environmental regulations and standards as directed in statutes passed by Congress. In some instances, EPA has delegated authority to the state or authorized the

state program to operate in lieu of the federal program when the state's program meets or exceeds EPA's requirements. For instance, EPA has delegated or authorized certain enforcement authorities to the Washington State Department of Ecology for air pollution control and hazardous waste management. In other activities, the state program is assigned direct oversight of the DOE Richland Operations Office as provided by federal law. For example, the Washington State Department of Health has direct authority under the *Clean Air Act* to enforce the standards and requirements under a statewide program to regulate radionuclide air emissions at applicable facilities (e.g., the Hanford Site). Where federal regulatory authority is not delegated or only partially authorized to the state, EPA Region 10 is responsible for reviewing and enforcing compliance with EPA regulations as they pertain to the Hanford Site. In addition, EPA periodically reviews the adequacy of various state environmental programs and reserves the right to directly enforce federal environmental regulations.

Although the State of Oregon does not have direct regulatory authority at the Hanford Site, DOE recognizes its interest in Hanford Site cleanup



because of Oregon's location downstream along the Columbia River. Oregon participates in the State

and Tribal Government Working Group for the Hanford Site, which reviews the site's cleanup plans.

2.1.2 Hanford Federal Facility Agreement and Consent Order

This order (also known as the Tri-Party Agreement; Ecology et al. 1998) is an agreement among the Washington State Department of Ecology, EPA, and DOE to achieve environmental compliance at the Hanford Site with the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA), including the *Superfund Amendments and Reauthorization Act of 1986* remedial action provisions, and with the *Resource Conservation and Recovery Act* (RCRA) treatment, storage, and disposal unit regulation and corrective action provisions. The Tri-Party Agreement 1) defines RCRA and CERCLA cleanup commitments, 2) establishes responsibilities, 3) provides a basis for budgeting, and 4) reflects a concerted goal of achieving regulatory compliance and remediation with enforceable milestones in an aggressive manner. Also, the Tri-Party Agreement contains requirements for how to involve the public.

The Tri-Party Agreement has continued to evolve as cleanup of the Hanford Site has progressed. Significant changes to the agreement have been negotiated between the Washington State Department of Ecology, EPA, and DOE to meet the changing conditions and needs of the cleanup. The most complex

changes were worked out in 1993 with further modifications each year since. All significant changes to the agreement undergo a process of public involvement that ensures communication and addresses the public's concerns prior to final approvals. Copies of the agreement are publicly available at the DOE's Hanford Reading Room located in the Consolidated Information Center on the campus of Washington State University at Tri-Cities, Richland, Washington, and at information repositories in Seattle and Spokane, Washington, and Portland, Oregon. To get on the mailing list to obtain Tri-Party Agreement information, contact the EPA or DOE directly, or call the Washington State Department of Ecology at 1-800-321-2008. Requests by mail can be sent to:

Hanford Mailing List: Informational Mailings
Mail Stop B3-35
P.O. Box 1000
Richland, WA 99352

or

Hanford Update
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

2.1.3 The Role of Indian Tribes

The Hanford Site is located on land ceded to the United States government by the Yakama Nation and the Confederated Tribes of the Umatilla Indian Reservation in the Treaties of 1855. These two tribes, as well as the Nez Perce Tribe, have treaty fishing rights on portions of the Columbia River. These tribes reserved the right to fish "at all usual and accustomed places" and the privilege to hunt, gather roots and berries, and pasture horses and cattle on

open and unclaimed land. The Wanapum are not a federally recognized tribe; however, they have historic ties to the Hanford Site and are routinely consulted regarding cultural and religious freedom issues.

The Hanford Site environment supports a number of Native American foods and medicines and contains sacred places important to tribal cultures.



The tribes hope to use these resources in the future and want to assure themselves that the Hanford environment is clean and healthy.

The DOE American Indian Policy (DOE Order 1230.2) states, “American Indian Tribal Governments have a special and unique legal and political relationship with the Government of the United States, defined by history, treaties, statutes, court decisions, and the U.S. Constitution.” In recognition of this relationship, DOE and each tribe interact and consult directly. The three tribes belong to DOE groups such as the State and Tribal Government Working Group, the Hanford Tribal Cultural Issues Team, and the Hanford Natural Resources Trustee Council. They actively participate in many projects, including the Hanford Site Groundwater/Vadose Zone Integration Project and the Cultural Resources Program. The three tribes have made presentations to the DOE and its contractors on treaty rights, tribal sovereignty, the United States government trust responsibility, and the unique status of tribal governments.

DOE interaction with tribes in Hanford plans and activities is guided by the DOE American Indian Policy that states, among other things, “The Department shall: Consult with Tribal governments to assure that Tribal rights and concerns are considered prior to DOE taking actions, making decisions, or implementing programs that may affect Tribes.” In addition to the American Indian policy, laws such as the *American Indian Religious Freedom Act*, the *Archaeological Resources Protection Act*, the *National Historic Preservation Act*, and the *Native American Graves Protection and Repatriation Act* require consultation with tribal governments. The combination of the Treaties of 1855, federal policy, executive orders, laws, and regulations provide the basis for tribal participation in Hanford Site plans and activities.

DOE provides financial assistance through cooperative agreements with the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe to support their involvement in environmental management activities of the Hanford Site.

2.1.4 Hanford Natural Resource Trustee Council

The President is required by CERCLA to appoint federal officials to act on behalf of the public as trustees for natural resources when natural resources may be injured, destroyed, lost, or threatened as a result of a release of hazardous substances. The President appointed the Secretary of Energy as the primary federal natural resource trustee for all natural resources located on, over, or under land administered by DOE. Other designated federal trustees for Hanford natural resources include the U.S. Department of the Interior represented by the U.S. Fish and Wildlife Service and the Bureau of Land Management, and the U.S. Department of Commerce represented by the National Oceanic and Atmospheric Administration.

CERCLA also authorizes state governors to designate a state lead trustee to coordinate all state trustee responsibilities. CERCLA further states that

chairmen (or heads of governing bodies) of Indian tribes have essentially the same trusteeship over natural resources belonging to or held in trust for the tribe as state trustees. Indian tribes and State organizations have been designated as natural resource trustees for certain natural resources at or near the Hanford Site. Indian tribes include the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe. State organizations include the state of Washington represented by the Washington State Department of Ecology and the Washington State Department of Fish and Wildlife, and the state of Oregon represented by the Oregon Department of Energy.

In order to address their responsibilities, the Hanford trustees have signed a Memorandum of Agreement (1996) formally establishing the Hanford Natural Resource Trustee Council. The primary



purpose of the council is to facilitate the coordination and cooperation of the member trustees in their efforts to mitigate the impacts to natural resources that result from either hazardous substance releases within the Hanford Site or the remediation of those releases. The council also adopted by-laws to direct the process of arriving at consensus agreements.

The Natural Resource Trustee Council is performing an ongoing assessment of potential injury to Columbia River aquatic resources from exposure to hazardous substances released within the Hanford 100 Areas. The initial phase of this assessment involved preparation of an aquatic resources

assessment plan by the U.S. Fish and Wildlife Service, using the natural resource damage assessment regulations in 43 CFR 11 as guidance. The plan focused on several contaminant releases, including chromium releases that have migrated via groundwater flow to sections of the Columbia River used by fall Chinook salmon for spawning. As recommended in the assessment plan, the council is studying the potential for these chromium releases to injure the spawning salmon. The results of this study will aid the trustees, regulators, and DOE to develop, evaluate, and select remedial actions that minimize or eliminate any injury to the salmon.

2.1.5 Public Participation

Individual citizens of the state of Washington and neighboring states may influence Hanford Site cleanup decisions through public participation activities. The public is provided opportunities to contribute their input and influence decisions through many forums, including Hanford Advisory Board meetings, Tri-Party Agreement activities, *National Environmental Policy Act* public meetings on various environmental impact statements and environmental assessments, Hanford Site Issues Exchange Forum, and many other outreach programs.

A framework for integrated communications and public involvement for the Hanford Site outlines the DOE commitment to plan for involving the public in decisions. The Office of Intergovernmental, Public and Institutional Affairs (DOE Richland Operations Office) is responsible for establishing the planning and scheduling of public participation activities for the Hanford Site.

The Tri-Party Agreement provides a means for Hanford to become compliant with environmental regulatory requirements. The Community Relations Plan (Ecology et al. 1997), a companion to the Tri-Party Agreement, describes how public information and involvement activities are conducted for

Tri-Party Agreement decisions. DOE, Washington State Department of Ecology, and EPA developed and negotiated the plan with input from the public. The plan was approved in 1990. The plan is updated on an as-needed basis; the most recent revision occurred in 1997.

Before each public participation event, the press is informed of the issues to be discussed, and notices are sent to elected officials, community leaders, and special interest groups. A mailing list of ~3,800 individuals who have indicated an interest in participating in Hanford Site decisions is maintained and kept current. The mailing list is also used to send topic-specific information to those people who have requested it.

To apprise the public of upcoming opportunities for public participation, the Hanford Update, a synopsis of all ongoing and upcoming Tri-Party Agreement public involvement activities, is published bimonthly. In addition, the Hanford Happenings calendar, which highlights Tri-Party Agreement scheduled meetings and comment periods, is distributed each month to the entire mailing list.

Most of Hanford's stakeholders reside in Washington, Oregon, and Idaho. To allow them better



access to up-to-date Hanford Site information, four information repositories have been established. They are located in Richland, Seattle, and Spokane, Washington, and Portland, Oregon.

The three parties respond to questions that are received via a toll-free telephone line (800-321-2008). Members of the public can request

information about any public participation activity and receive a response by contacting the Office of Intergovernmental, Public and Institutional Affairs (DOERichlandOperationsOffice) at (509) 376-7501.

Also, there is a calendar of public involvement opportunities on the Internet: <http://www.hanford.gov/whc/cal/cal.html>.

2.1.6 Hanford Advisory Board

The Hanford Advisory Board was chartered in January 1994 to advise DOE on major Hanford Site cleanup policy questions. The board was the first of many such advisory groups created by DOE at weapons production cleanup sites across the national DOE complex. The board consists of 31 members who represent a broad cross section of interests: environmental, economic development, tribes and other governments, and the public. Each board member has at least one alternate. Marilyn Reeves, of Amity, Oregon, is the chairperson.

The board has five standing committees: 1) Dollars and Sense, which deals with DOE budget issues; 2) Health, Safety, and Waste Management; 3) Environmental Restoration; 4) the board's internal executive committee; and 5) the Public Involvement committee. Committees study issues and develop policy recommendations for board action. In addition, special groups or ad hoc committees are formed on an as-needed basis and have a limited life span. The Tank Waste Treatment Ad Hoc group has been formed to deal with tank waste issues. This is not a standing committee.

The board held six 2-day meetings in 1999. Members received in-depth briefings from the Tri-Party Agreement agencies, reviewed technical reports and proposed budgets, and sought out more information on major policy issues. From October 1998 through September 1999, the board produced 13 new pieces of consensus advice (making a total of 100), cosponsored several public meetings, produced numerous pieces of "sounding board" advice, and

engaged in an ongoing dialogue with the Tri-Party Agreement agencies. The board's advice, and responses to that advice, can be found on the Internet at <http://www.hanford.gov/boards/hab/advice/adviceindex.htm>.

The Hanford Advisory Board statement of principles was prepared for and presented to Carolyn Huntoon, Assistant Secretary of Energy for Environmental Management, on September 20, 1999 (Sections 2.1.6.1 and 2.1.6.2).

2.1.6.1 Long-Term Vision

The long-term vision of the Hanford Advisory Board states that the Hanford Site will become a clean, accessible, and healthy environment by

- protecting the health and safety of communities and workers
- protecting the Columbia River and the environment
- moving resolutely forward to site cleanup through use of existing technologies and resources where solutions exist, and through focused research and development of solutions where solutions do not exist
- respecting treaty rights of affected Native American Indian Tribes
- embracing the Tri-Party Agreement, which has widespread and deep public support in the Northwest, as the basic framework and blueprint for the Hanford cleanup



- preparing the site for future productive uses and transitions from the dominance of DOE-funded activities to more privately sponsored activities
- fostering economic prosperity through scientific research and innovation in the development and testing of waste management approaches and cleanup technologies that have benefits locally and worldwide.

2.1.6.2 Near-Term Needs

The Hanford Advisory Board has developed a statement of principles regarding the near-term needs of the Hanford Site. The board agreed that DOE should

- reduce the footprint of future stewardship needs by cleanup and waste stabilization

- maintain integrity of the Tri-Party Agreement; meet milestones
- design, construct, and operate a tank waste vitrification plant
- remove spent nuclear fuel and sludge from the K basins
- decontaminate and stabilize the Plutonium Finishing Plant
- complete cleanup along the Columbia River
- protect workers; improve and enhance their morale and productivity.

2.1.7 Hanford Site Technology Coordination Group

The Hanford Site Technology Coordination Group was established in 1994. Its structure was modified in early 2000, so it now consists of a Management Council and five subgroups aligned with the Environmental Management Focus Areas: 1) deactivation and decommissioning, 2) mixed waste, 3) subsurface contaminants, 4) tanks, and 5) nuclear materials. DOE's Office of Environmental Management established the focus areas to develop and deliver solutions to technology needs identified at DOE sites across the nation. Subgroups of the Hanford Site Technology Coordination Group provide detailed documentation of the Hanford Site's technology needs to guide the focus areas' efforts in technology development.

The Management Council focuses on Hanford Site policy issues related to technology development and deployment. Subgroups of the Hanford Site Technology Coordination Group identify and prioritize the site's science and technology needs, identify technology demonstration opportunities, interface

with the Environmental Management Focus Areas, and ensure that demonstrated technologies are deployed.

During 1999, the Management Council endorsed the description of science and technology needs developed by the subgroups for submittal to the Environmental Management Focus Areas and the Environmental Management Science Program. The Environmental Management Science Program sponsors basic research to address fundamental issues that may be critical to ongoing technology development. This research will decrease public and worker risks, provide major cost reduction opportunities, reduce the time required to achieve DOE's cleanup mission, and address problems considered intractable without new knowledge. Hanford's science and technology needs can be found on the Internet at <http://www.pnl.gov/stcg/needs.stm>. In addition, the subgroups endorsed numerous Accelerated Site Technology Deployment proposals and heard presentations on a variety of new technologies being demonstrated and/or deployed on the Hanford Site.



The DOE Richland Operations Office Deputy Manager for Site Transition now chairs the Management Council. It includes six DOE Richland Operations Office Assistant Managers (Environmental Restoration and Waste Management, Facility Transition, Technology Management, Planning and Integration, Engineering and Standards, and Spent Nuclear Fuels), as well as representatives from the Office of Training Services and Asset Transition and the Fast Flux Test Facility Project Office. Representatives from the DOE Office of River Protection also participate. The Management Council includes two representatives from EPA; two from the Washington State Department of Ecology; one from the Oregon Office of Energy; three from the Hanford Advisory Board; and three from American Indian tribes (Yakama Nation, Nez Perce Tribe, and Confederated Tribes of the Umatilla Indian Reservation). The Hanford Site contractors have also designated representatives on the Management Council.

The elements of the Hanford Site Technology Coordination Group mission statement are as follows:

- involve user organizations (both DOE and the contractors), technology providers, regulators, American Indian tribes, and stakeholders; promote broad information exchange among all interested parties; maintain a helpful attitude and serve as a conscience for technology improvement at Hanford; contribute to DOE-wide communications and lessons learned
- identify, prioritize using systems analysis, and seek consensus on Hanford Site and program-specific problems, science and technology needs, and requirements; recognize baseline schedule insertion points for technology; focus on the baseline, but also identify technologies to support potential baseline alternatives if they offer risk reduction benefits or high financial return on investment by improvements in environmental, safety, or health protection; devote

20% of the effort to science needs and 80% to technology needs and deployment

- be a forum for assessing and recommending potential technologies for application at Hanford; look for technologies that provide improved end results, improved effectiveness, improved schedules, or improved costs in accomplishing the required results; look for technologies to reduce surveillance and maintenance costs while maintaining safe operations; focus on life-cycle costs and benefits, improvements in environmental, safety, or health protection, and improvements in performance, pollution prevention, and waste minimization relative to alternative remedies; make appropriate referrals for vendors (e.g., to DOE or the contractors)
- champion and facilitate demonstration and deployment of innovative, modified, or existing technologies that are new to Hanford and share information with other sites to best leverage all available resources
- create a viable market for technology with the DOE Richland Operations Office and contractors and eliminate barriers (e.g., resistance to change and acceptance of technologies developed offsite)
- promote competitive privatization and commercialization by communicating information on Hanford's science and technology needs and schedule insertion points, as well as demonstration and deployment opportunities, to commercial technology providers; help break barriers to involvement by companies new to Hanford
- provide input to decision-makers (e.g., DOE Richland Operations Office, DOE Headquarters, Congress, and heads of regulatory agencies) on Hanford's highest-priority science and technology needs to ensure critical needs are funded; provide feedback to them on the site's accomplishments.